

Index File

Application No. UP-685-05

Mark E. and Kathleen K. Barker

Application No. UP-685-05 is a request for a Special Use Permit to authorize a 795-square-foot accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre parcel located at 406 Old Lakeside Drive (Route 1554).

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Applicant narrative
4. Sketch Plan
5. Proposed Resolution No. PC05-44

COUNTY OF YORK

MEMORANDUM

DATE: September 29, 2005 (PC Mtg. 10/12/05)

TO: York County Planning Commission

FROM: Earl W. Anderson, Planner

SUBJECT: Application No. UP-685-05, Mark and Kathleen Barker

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 795-square foot accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre parcel located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B.

DESCRIPTION

- Property Owner: Mark and Kathleen Barker
- Location: 406 Old Lakeside Drive (Route 1554)
- Area: 0.93 acre
- Frontage: 100 feet on Old Lakeside Drive
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 - Medium Density Single-Family Residential
- Existing Development: Single-family detached home and detached garage
- Surrounding Development:
 - North: Three single-family detached homes across Old Lakeside Drive within the Brandywine Subdivision
 - East: Single-family detached home
 - South: Single-family detached home
 - West: Two single-family detached homes

- Proposed Development: Construction of a detached accessory apartment

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is approximately one acre in size and is occupied by a single-family detached dwelling and a detached garage. The parcel is flat with a limited number of trees on the property, except to the rear where a natural tree buffer area exists. The existing detached garage is located approximately 25 feet from the single-family home on the southeast side of the property. The proposed accessory apartment structure will be a separate structure from the existing buildings and will be located to the rear of the property approximately 240 feet from the principal dwelling.
2. The surrounding properties are all developed with other single-family detached dwellings. Two of the properties to the southwest have substantial tree buffers that currently obscure views of the applicant's property and the proposed location of the accessory apartment.
3. Accessory apartments in detached structures are permitted in the R20 district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property contains 2,274 square feet of floor area. The proposed accessory apartment would contain 795 square feet of habitable floor area, or 35% of the principal dwelling. The applicant has indicated the apartment would be used as the residence for an immediate family member.
4. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
5. The subject property can accommodate both the residential parking requirement (two spaces) and the proposed accessory apartment (two spaces). The single-family dwelling driveway has a parking area measuring approximately 23 feet in width and 20 feet in length and a circle driveway that is approximately 10 feet in width, which could accommodate parallel parking. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas described could accommodate approximately four cars.
6. York County's Brandywine Drainage Project affects the rear portion of the applicant's property. In order to make drainage improvements in the neighborhood, a 20-foot wide drainage easement is needed across the rear property line. The applicant's sketch plan shows the accessory apartment structure outside the needed

20-foot wide drainage easement. Additionally, a condition has been recommended to require any structures to remain out of the drainage area.

7. The property is not within a subdivision and is not subject to any homeowners' covenants, nor does it fall under the jurisdiction of an established homeowners' association.

RECOMMENDATION

Given the above-noted standards, staff is of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC05-44.

Attachments

- Zoning Map
- Applicant narrative
- Sketch Plan
- Proposed Resolution No. PC05-44

EWA

APPLICANT

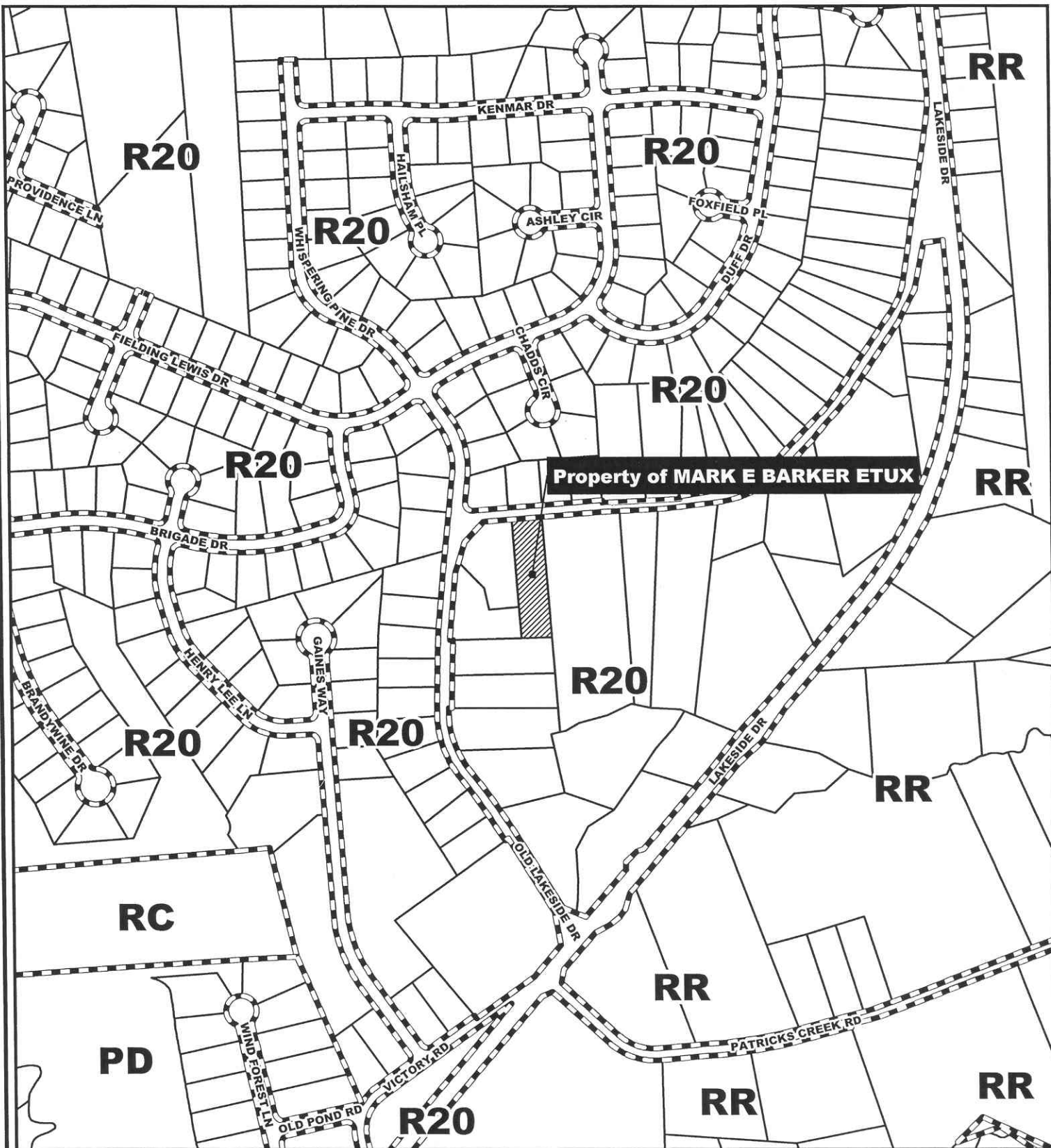
Mark And Kathleen Barker

To authorize a 795-square foot detached accessory apartment.

406 OLD LAKESIDE DR

ZONING MAP

APPLICATION NUMBER: UP-685-05



* = Conditional Zoning

0 225 450 900 Feet

Printed on September 20, 2005



LIBRARY TILE NUMBER:

Lr014

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

To: York County Planning Commission

RECEIVED

From: Mark E. and Kathleen K. Barker

SEP 28 2005

Date: September 27, 2005

PLANNING DIVISION
COUNTY OF YORK

Re: Revised Addendum to Application for Special Use
Permit

Proposed Activity or Use:

We are applying for a Special Use Permit to construct a detached "mother-in-law" apartment on our property. The proposed structure would be located at the back end of our property, behind the existing home and garage. Exact placement will be determined according to the governing rules of the county; however, we are aware of the need to place the structure at least 20 feet from the rear property line, so as not to interfere with the Brandywine Drainage Project. We understand that the building can be no larger than 795 square feet, which is 35% of the main structure.

In regard to the issue of parking, there will be no need to modify the property further. There exists a long driveway to the side of the house, at the end of which is a cement pad suitable for two cars to park side by side. In addition, there is a u-shaped drive in the front area that can easily accommodate a third car, and any visitors. We anticipate having three vehicles housed on this property.

We do not anticipate any impact on traffic in our area. The apartment would house one person only. There will be no changes made to the front façade.

117.7

251.00

(FRONT)
100.0

904

89.0
400

100.0

RECEIVED

SEP 28 2005

PLANNING DIVISION
COUNTY OF YORK

300.0

406.3

CEMENT
PAD FOR
PARKING
(ALREADY
EXISTS)

123.0

79.2

100.0

106.3

724.40

PROPOSED
DETACHED
APARTMENT

~ 20'

232.2

100.0

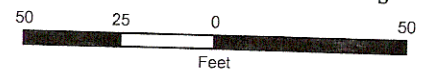
322.2

(REAR)

406 Old Lakeside Drive

THIS IS NOT A LEGAL PLAT.

This map should be used for
information purposes. It is not
suitable for detailed site planning.



GEOGRAPHIC INFORMATION SYSTEMS
Division of Computer Support Services
Department of Financial & Management Services
WWW.YORKCOUNTY.GOV

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY
APARTMENT AT 406 OLD LAKESIDE DRIVE

WHEREAS, Mark and Kathleen Barker have submitted Application No. UP-685-05 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2005, that Application No. UP-685-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained in a proposed detached structure on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108).
2. The apartment shall be contained within a proposed structure located on the southern side of the subject property as indicated on the sketch plan submitted by the applicant titled "406 Old Lakeside Drive" prepared by York County Geographic Information Systems, Division of Computer support Services, Department of Financial & Management Services and received by the Planning Division on September 28, 2005.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 795 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.